

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**DAVID FINNEY, an individual,**

**Plaintiff,**

**v.**

**TAKATA, a foreign corporation;  
TAKATA U.S.A. CORPORATION  
d/b/a TAKATA CORPORATION,  
a foreign corporation, Et al.**

**Defendants.**

**CV NO. 3:06-CV-622-WKW**

**PLAINTIFF'S RENEWED MOTION FOR LEAVE OF COURT TO PROPOUND  
ADDITIONAL WRITTEN INTERROGATORIES TO DEFENDANTS**

COMES NOW Plaintiff David Finney, by and through his counsel of record in the above-styled case and respectfully requests this Honorable Court to allow him to serve additional interrogatories to the following named party defendants in this lawsuit: TAKATA U.S.A. CORPORATION d/b/a TAKATA CORPORATION; TAKATA SEAT BELTS, INC.; TAKATA RESTRAINT SYSTEMS, INC.; TAKATA NORTH AMERICAN, INC.; TAKATA INC. As grounds for same, Plaintiff states as follows:

1. The instant case involves a complex products liability subject matter involving Defendant Nissan North America, Inc., a major automobile manufacturer, and at least six separate subsidiaries of Defendant Takata Corporation, a seat belt manufacturer and distributor. The Plaintiff is diligently attempting to identify any further entities which may be proper party defendants.

2. On or about October 29, 2006, Plaintiff's Counsel contacted Counsel for Defendant Takata and requested that Defendant Takata permit the Plaintiff to propound

additional written interrogatories to Defendant Takata, over and above the 25-interrogatory limit set forth in F.R.C.P. 33(a).

3. On or about October 30, 2006, Plaintiff's Counsel received correspondence from Counsel for Defendant Takata that neither confirmed nor denied Defendant Takata's willingness to allow Plaintiff to propound additional interrogatories, but rather questioned why the aforesaid Takata entities should have to respond to Plaintiff's discovery at all (Please see Exhibit "A").

4. Upon receipt of Counsel for Defendant Takata's aforesaid correspondence, Plaintiff's Counsel again attempted to contact Counsel for Defendant Takata by telephone to discuss the matter further. However, Plaintiff's Counsel was unable to reach Counsel for Defendant Takata.

5. After waiting for over a week to receive a return telephone call from Counsel for Defendant Takata, Plaintiff's Counsel sent Counsel for Defendant Takata correspondence on November 14, 2006 asking that Defendant Takata provide a definitive response to Plaintiff's request by November 17, 2006 (Please see Exhibit "B").

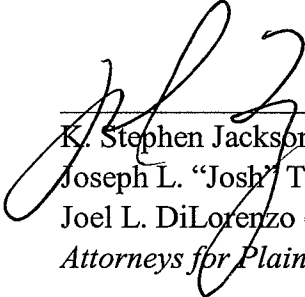
6. Finally, on Monday, November 20, 2006, after failing to receive a response from Defendant Takata, Plaintiff's Counsel again tried to contact Counsel for Defendant Takata in order to resolve the matter amicably and without the need for court intervention. However, Plaintiff's Counsel was unable to reach Counsel for Defendant Takata.

7. Subsequently, on Tuesday, November 21, 2006, Counsel for Defendant Takata sent correspondence to Plaintiff's Counsel which again failed to definitively

confirm whether Defendant Takata would voluntarily allow the Plaintiff to propound additional interrogatories on Defendant Takata (Please see Exhibit "C").

8. In conclusion, Plaintiff's Counsel has made reasonable good faith efforts to reach an agreement with Counsel for Defendant Takata on the aforesaid discovery issue but has been unable to do so. (Please see Plaintiff Counsel's Certificate of Good Faith, attached as Exhibit "D").

2. Consequently, the Plaintiff respectfully requests this Honorable Court to allow the Plaintiff to serve written interrogatory requests over and above the 25-interrogatory limit set forth in F.R.C.P. 33(a) on Defendants: TAKATA U.S.A. CORPORATION d/b/a TAKATA CORPORATION; TAKATA SEAT BELTS, INC.; TAKATA RESTRAINT SYSTEMS, INC.; TAKATA NORTH AMERICAN, INC.; TAKATA INC.



K. Stephen Jackson (JAC 034)  
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**OF COUNSEL:**

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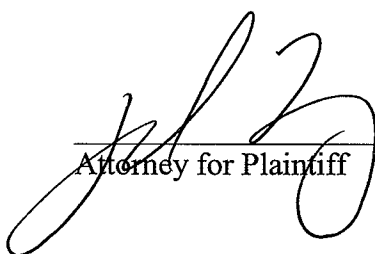
Walter B. Calton, Esq.  
312 East Broad Street  
Eufaula, AL 36027

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above was served upon the following via regular United States Mail, postage prepaid and properly addressed on this 11 day of October, 2006.

Charles A. Stewart, III, Esq.  
Bradley, Arant, Rose & White, LLP  
Attorney for Defendant Takata

Robert C. Khayat, Jr., Esq.  
King & Spalding, LLP  
Attorney for Defendant Nissan North America



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Attorney for Plaintiff